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March 8, 2022

VIA ECF

The Hon. Joanna Seybert
United States District Court
Eastern District of New York
100 Federal Plaza, Courtroom 1030
Central Islip, NY 11722

Re: Rosario et al. v. Icon Burger Acquisition LLC d/b/a Smashburger
No. 2:21-cv-04313-JS-ST

Dear Judge Seybert:

We represent Icon Burger Acquisition LLC in this action ("Smashburger"). We write to respectfully request an extension of time from March 14, 2022 until March 21, 2022, to answer, move or otherwise respond to Plaintiffs' Second Amended Complaint. Plaintiffs do not oppose Smashburger's request.

The reason for this request is that Defendants require additional time to gather and analyze relevant employment records for the two newly added Plaintiffs, Noah Zaharia and Olivia Spell. Without this information and time to review it, Defendants are unable to properly respond to the allegations in the Second Amended Complaint. As the Court may be aware, when Plaintiff Joseph Rosario filed his Second Amended Complaint, he also added Plaintiffs Zaharia and Spell to the action.

Given that there are no other deadlines set in this action, this request will not affect any other deadlines. This is Defendants' first request for an extension of time to respond to the Second Amended Complaint.

We thank the Court for its time and consideration of this request.

Respectfully submitted,

/s/ Matthew R. Capobianco

Daniel Gomez-Sanchez
Matthew R. Capobianco

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